

“ Lord Proprietary, by himself, or his Deputy, ought to be present, and have a casting Voice :
 “ And that, as Governor, he had not any Power to confirm Laws, made by the Burgeses, for
 “ any longer Time, than until his Lordship, or his Heirs, should declare their Dissassent. But
 “ he did believe, the Intent of the King in his Lordship's Patent, was, that the Freemen by
 “ Writ assembled, either by themselves, or their Deputies, should make and enact Laws, and
 “ those Laws, so made, were to be published in his Lordship's Name, and then to be in full
 “ Force. Provided they be agreeable to Reason, and in no case repugnant to the Laws of Eng-
 “ land.” In which he was joined by Mr. Gerrard and Col. Utye, his Confederates in the Coun-
 cil. In the Afternoon of the same Day, came the Speaker and Lower House, and intimated,
 that they could not allow this House to be an Upper House ; but that if the Governor and Coun-
 cil pleased, they might come and take Place, in Behalf of his Lordship and themselves, as a Part
 of this Assembly, sitting by themselves. But being informed, that in such Case, the Speaker
 must leave his Place to the Governor, who then would be President of the Assembly, the Speaker,
 with the House, took Time to consider.

On the 14th, the Lower House demanded a further Conference, and being met, the Speaker
 declared, that they were content the Governor should sit as President, but they would continue
 their Speaker still in the House also, and reserve to themselves the Power of Adjourning and
 Dissolving the Assembly. And upon Debate, the Governor being willing to sit with them upon
 these Terms, viz. to leave the Power of Dissolving the House to the Speaker of the Lower
 House, and to reserve to himself, as representing his Lordship, a double or casting Voice, as he
 expressed it. And accordingly (the Rest of the Upper House refusing) Mr. Fendall, with his two
 Associates, Gerrard and Utye, took their Places in the Lower House.

The Upper House being thus dissolved, Mr. Fendall surrendered the remaining Powers of Go-
 vernment, intrusted to him by his Lordship's Commission, into the Hands of the Delegates, and
 in order to abolish his Lordship's Dominion over the Province, accepting and acting as Gover-
 nor under a Commission from them (Messrs. Gerrard and Utye, together with the Speaker, Mr.
 Slye, being appointed his Council) he gave his Assent to several Laws, particularly one entitled,
An Act for repealing all former Acts ; and another entitled, *An Act providing against any Disturbance
 in the present Government* ; whereby they made it Felony, for any Person to disturb the Government,
 so as they had thought fit to establish it : And among other Acts of supreme Power, such as
 Granting Commissions Civil and Military, Mustering and Training of Forces, &c. did, with the
 Concurrence of his before mentioned Councillors, on the 15th September following, publish a
 Declaration, “ Commanding all Persons, to own no Authority, but what came immediately
 “ from his Majesty, or the Grand Assembly of this Province,” *Thereby colourably sheltering* (as
 the Grand Jury expressed it) *their Rebellion, under a Pretence of his Sacred Majesty's Name, to the
 great Derogation from the just Power of his Lordship, and the Subversion of the Government of this Pro-
 vince, and contrary to the Peace of his said Lordship, his Rule and Dominion.*

The Honourable Philip Calvert, Esq; being appointed Governor, by his Lordship's Commis-
 sion, bearing Date the 24th June 1660, and sworn in at the Provincial Court, held at Patuxent,
 the 11th December 1660, Capt. Fendall, and Mr. Gerrard, surrendered themselves, and being in-
 dicted by the Grand Jury, at the Provincial Court, on the 22d February, were tried, and found
 Guilty, receiving Sentence of Banishment, and Confiscation of their Estates, real and personal.
 But upon their humble Petition to the Governor and Council, the said Sentence was mitigated,
 and they received his Lordship's Pardon, on paying each a moderate Fine, and being made inca-
 pable of bearing any Office within this Province, or having Voice in electing, or of being elect-
 ed Burgeses, in any future Assembly, and giving sufficient Security for their good Behaviour to-
 wards his Lordship, and his Government. Their respective Pardons, under the Great Seal, are
 dated the 28th February 1660. The Rest of their Accomplices, most of which had been, with
 much Art, drawn into a Participation of their Guilt, upon their timely Submission and Applica-
 tion to his Lordship's Governor and Council, received a full and free Pardon, without Trial or
 Prosecution.

Together with his Lordship's Commission for the Government, was sent in his Majesty's Let-
 ter, bearing Date the 3d July, in the 12th Year of his Reign, *Commanding all Magistrates and
 Officers, and all other his Subjects, in these Parts, to be aiding and assisting to the Re-establishment of his
 Lordship's just Rights and Jurisdictions, within this Province, &c.*

1661. Acts made at a GENERAL ASSEMBLY, held at
 St. John's, in St. Mary's County, beginning the
 17th Day of April, and ended the 1st May, Anno
 Domini 1661.

PHILIP CALVERT, Esq; Governor.

C H A P. I.

Passed 1st of May 1661. *An Act for Encouragement of such Soldiers as shall adventure in the Defence of
 the Country. Lib. C and WH. fol. 139. Lib. WH. fol. 152. and Lib.
 WH and L. fol. 20. REP.*

Confirmed among the perpetual Laws, 1676, ch. 2. By this Law, Persons maimed, or hurt
 in War, in the Defence of the Country, were, according to their Place and Quality, to receive
 Maintainance from the Country, according to their Disability to maintain themselves.

C H A P.